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**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

EDGAR SOLIS,

Plaintiff,

v.

STATE OF CALIFORNIA;

MICHAEL BELL; and DOES 1-10,  
inclusive,

Defendants.

Case No.: 5:23-cv-00515-HDV-JPR

[*Honorable Hernán D. Vera*]

Magistrate Judge Jean P. Rosenbluth

**JOINT STIPULATION TO MODIFY  
THE SCHEDULING ORDER**

**Jury Trial**

Date: Tuesday, October 29, 2023

Time: 09:00 a.m.

Ctrm: 5B

350 West 1st Street, 6th Floor  
Los Angeles, California 90012

**TO THIS HONORABLE COURT AND ALL PARTIES AND THEIR  
ATTORNEYS OF RECORD:**

By and through their counsel of record in this action, Plaintiff EDGAR SOLIS, and STATE OF CALIFORNIA (by and through California Highway Patrol), and MICHAEL BELL (collectively “Defendants”) (Plaintiff and Defendants together called “the parties”) hereby submit the following Joint Stipulation to Modify the Scheduling Order (Doc. 25):

1. This civil rights, officer-involved shooting case and involves Plaintiff’s claims under 42 U.S.C. §1983 and state law regarding an incident between Plaintiff, Deputy Waltermire, and Officer Bell where deadly force was used against Plaintiff. Specifically, Plaintiff brings claims for a. Fourth Amendment – Excessive Force; b. Municipal Liability – Ratification; c. Municipal Liability – Inadequate Training; d. Municipal Liability – Unconstitutional Custom, Practice, or Policy; e. Battery; f. Negligence; and g. Violation of Cal. Civil Code § 52.1. (Doc. 1-1.) Plaintiff initially filed his Complaint in Riverside County Superior Court on February 2, 2023, and Defendants removed the action to this Court on March 24, 2023. (Doc. 1.)

2. On January 17, 2024, the Parties filed their Stipulated Request for Court Order Allowing Deposition of Incarcerated Plaintiff, for January 31, 2024.

3. On January 31, 2024, the day of Plaintiff’s originally scheduled deposition, Plaintiff learned that morning that on December 27, 2023, the County of Riverside District Attorney’s Office filed charges against Plaintiff related to this incident. Plaintiff had no prior notice of these charges and Plaintiff’s counsel did not have an opportunity to discuss the issues with Plaintiff prior to the deposition. Thus, Plaintiff notified Defendants that he would exercise his Fifth Amendment rights regarding anything related to the new criminal charges filed against him. Ultimately, the parties agreed to suspend the deposition to allow Plaintiff time to confer with counsel.

1           4.     On February 14, 2024, Plaintiff and Defendants County and Deputy  
2 Waltermire reached an agreement to settle Plaintiff's claims as to the County  
3 Defendants only. On February 16, 2024, Defendants County and Deputy  
4 Waltermire filed their Notice of Settlement as to Riverside County Defendants'  
5 Only. (Doc. 41.)

6           5.     Additionally, on March 1, 2024, the new Deputy Attorney General  
7 was assigned to this matter as counsel for the State Defendants, CHP, and Officer  
8 Bell, and required some time to familiarize himself with this matter prior to  
9 proceeding to with the deposition of Officer Bell and other matters.

10          6.     Therefore, on March 7, 2024, the Parties filed a stipulation to modify  
11 the Scheduling Order to allow the Parties with sufficient time to assess the status  
12 of the pending criminal matter, to stay discovery on Plaintiff during that time, and  
13 to see if there is a possibility for mediation with the State Defendants.

14          7.     On April 12, 2023, the Court found that good cause was not shown in  
15 the Parties prior stipulation and denied the Parties' request. (Doc. 44.) At that time  
16 there was one month remaining prior to the May 10, 2024, discovery cut-off.  
17 (Doc. 25.)

18          8.     Thereafter, the Parties scheduled the deposition of Plaintiff for the  
19 only remaining time prior to the discovery cut-off that the facility had available,  
20 May 3, 2024. The parties also scheduled Defendant Officer Bell's deposition for  
21 May 8, 2024, and subpoenaed the depositions of the Hemet Police Department  
22 partner officers, Sgt. Paez and Det. Sobaszek, for May 6, 2024.

23          9.     In late April, the Parties discovered that Sgt. Paez was in a training  
24 course without access to be deposed from May 6 to 10, 2024, but would be  
25 available for deposition on May 15, 2024.

26          10.    During Plaintiff's May 3, 2024 deposition, Plaintiff was asked a  
27 serious of questions related to the incident which had a direct implication on his  
28 active criminal matter, and Plaintiff raised his Fifth Amendment right during the

1 deposition and was instructed by counsel not to answer. Plaintiff's damages were  
2 discussed at length at the deposition as well as Plaintiff's background.

3 11. On May 6, 2024, the parties were present for the deposition of Det.  
4 Sobaszek and waited 20 minutes for him to appear. During that time, Plaintiff's  
5 counsel contacted counsel for Det. Sobaszek and learned that he mistakenly  
6 believed his deposition was rescheduled because he too is currently in a training  
7 course. Then, the parties also learned that Det. Sobaszek is available for  
8 deposition on the morning of May 15, 2024.

9 12. The parties wish to take the deposition of Det. Sobaszek and Sgt.  
10 Paez without unnecessarily interfering with their training schedules and patrol  
11 assignments. Both Det. Sobaszek and Sgt. Paez are available for deposition, with  
12 the Court's permission, on May 15, 2024, and the parties' counsel is also available  
13 at that time.

14 13. The parties have agreed and hereby stipulate that if the Court allows  
15 the parties to extend the discovery cut-off by twelve days, for the limited purpose  
16 of allowing the parties to take the deposition of Det. Sobaszek and Sgt. Paez on  
17 May 15, 2024, then Defendant Officer Bell's deposition can be re-scheduled for  
18 the next date available to the parties, on May 22, 2024.

19 14. If the Court does not grant this stipulation by May 7, 2024, the  
20 parties will proceed with Officer Bell's deposition on May 8, 2024, as currently  
21 scheduled, and suspend this agreement. Further, if this agreement is suspended,  
22 Plaintiff believes it will be necessary to file an *ex parte* application to allow the  
23 depositions of Det. Sobaszek and Sgt. Paez on May 15, 2024.

24 15. However, if the Court grants this stipulation by May 7, 2024, the  
25 parties will conduct the depositions of Det. Sobaszek and Sgt. Paez on May 15,  
26 2024, and the deposition of Officer Bell on May 22, 2024.

27 16. Provided that the Defendant Officer's deposition will not be  
28 completed until May 22, 2024, the parties believe it is in the best interest of this

1 matter as well as economy of the parties and court to extend the expert discovery  
2 dates by approximately two (2) weeks to accommodate for these depositions.

3 17. No other dates and deadlines will be affected by granting this  
4 Stipulation.

5 18. This is the Parties second request for any modification to the  
6 scheduling order in this action.

7 **STIPULATION FOR CONTINUANCE:**

8 19. Accordingly, in light of the foregoing, and in order to facilitate the  
9 interests of all parties to this action, by and through their counsel of record in this  
10 action, the Parties hereby Stipulate that **Good Cause** exists, and the parties  
11 respectfully request that the Court **modify the Scheduling Order as follows:**

12 • To continue the **Discovery Cut-off** by twelve (12) days, from May  
13 10, 2024 to **May 22, 2024**, for the limited purpose of allowing the parties to take  
14 the deposition of Det. Sobaszek and Sgt. Paez on May 15, 2024, and the  
15 deposition of Officer Bell on May 22, 2024.

16 • To continue the **Initial Expert Disclosure** date from May 14, 2024  
17 to **May 31, 2024**.

18 • To continue the Rebuttal Expert Disclosure date from May 28, 2024  
19 to **June 14, 2024**.

20 • To continue the Expert Discovery Cut-off date from June 11, 2024 to  
21 **June 28, 2024**.

22 **IT IS SO STIPULATED.**

23 Respectfully Submitted,  
24 DATED: May 6, 2024

**LAW OFFICES OF DALE K. GALIPO**  
**LAW OFFICES OF GRECH & PACKER**

26 By:                                 /s/                Marcel F. Sincich                  
27 Dale K. Galipo  
28 Marcel F. Sincich  
Trent C. Packer  
*Attorney for Plaintiff*

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DATED: May 6, 2024

ROB BONTA  
Attorney General of California  
RHONDA L. MALLORY  
Supervising Deputy Attorney General

By:           /s/      David Klehm            
DAVID KLEHM  
Deputy Attorney General  
*Attorneys for Defendant State of California*  
(by and through the California Highway  
Patrol)